

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA, for Itself
and as Trustee for the Zuni Indian Tribe, Navajo
Nation and Ramah Band of Navajos
and
STATE OF NEW MEXICO, ex rel. STATE
ENGINEER,

Plaintiffs,

and

ZUNI INDIAN TRIBE,
NAVAJO NATION,

Plaintiffs in Intervention,

v.

A & R PRODUCTIONS, et. al.,

Defendants.

No. 01cv00072-MV-WPL

ZUNI RIVER BASIN
ADJUDICATION

Subfile No: ZRB-3-0121

NOTICE THAT THE CONSULTATION PERIOD HAS ENDED

Pursuant to the Special Master's Procedural and Scheduling Orders, the United States of America ("United States"), with the concurrence of the State of New Mexico ex rel. State Engineer ("State"), hereby notifies JOSEPH & SUSAN NEAS that the consultation period for Subfile No. ZRB-3-0121 has ended. **Within twenty (20) days of the date of service of this notice, JOSEPH & SUSAN NEAS must either:**

1. **sign and accept the last Consent Order offered by the United States and the State for subfile No. ZRB-3-0121 and return the entire Consent Order to counsel for the United States, OR**
2. **file with the Court and serve on counsel for the United States and for the State a Subfile Answer.**

A form Subfile Answer is provided with this notice. You may use the provided form or prepare your own Subfile Answer. However, in order to satisfy the Court's requirements, your Subfile Answer must:

1. provide the caption and civil action number of this case (No. 01cv00072-MV/WPL) and identify the subfile by the subfile number (ZRB-3-0121),
2. explain your reasons for disagreeing with the Consent Order offered for the subfile by the United States and the State,
3. include a statement that you have made a good faith effort to consult with and resolve the disagreement with the United States and the State, and
4. be properly filed with the Clerk of Court and served by mailing a copy to both counsel for the United States and counsel for the State.

Failure to properly sign and return the last-offered Consent Order or file and serve a Subfile Answer within twenty (20) days of service of this Notice shall be considered grounds for entry of a default order incorporating the terms jointly proposed by the United States and the State.

Electronically Filed

/s/ Andrew "Guss" Guarino
U.S. Department of Justice
South Terrace, Suite 370
999 18th St.
Denver, CO 80202
(303) 844-1343

and

Bradley s. Bridgewater
U.S. Department of Justice
South Terrace, Suite 370
999 Eighteenth St.
Denver, CO 80202
(303) 844-1359

COUNSEL FOR THE UNITED STATES

/s/ Edward C. Bagley
Edward Bagley
Office of the State Engineer, Legal Division
P.O. Box 25102
Santa Fe, NM 87504
(505) 827-6150

COUNSEL FOR THE STATE OF NEW
MEXICO EX REL. STATE ENGINEER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on March 10, 2014, I filed the foregoing *Notice That the Consultation Period Has Ended* electronically through the CM/ECF system, which caused parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

/s/ Andrew "Guss" Guarino

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ADJUDICATION

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SUBFILE ANSWER

COME(S) NOW JOSEPH & SUSAN NEAS and answer(s) the complaint as follows:

<u>Subfile No:</u>	<u>Object</u>	<u>Claim No Right</u>
ZRB-3-0121		

(Instructions: Initial in one of the two boxes to indicate whether you object to the description of water right(s) contained in the proposed Consent Order offered by the United States and the State, or whether you make no claim as to the water right(s) described in the proposed Consent Order. Provide the appropriate explanation below, and indicate what you have done to resolve your disagreement with the United States and the State, in the spaces provided below.)

I (We) object to the description of the water right(s) described by the proposed Consent Order for

Subfile Number ZRB-3-0121 because:
(explain)_____

(Attach additional pages if necessary)

I (We) made a good faith effort to resolve my (our) disagreement with the Consent Order proposed by the United States and the State by:
(describe)_____

(Attach additional pages if necessary)

I (We) claim no right for the water right(s) described by the proposed Consent Order for Subfile Number ZRB-3-0121 because:
(explain)_____

(Attach additional pages if necessary)

I (We) understand that by making this claim and filing this document I (we) am (are) not waiving my (our) rights to later raise, in an Amended Answer, any jurisdictional or affirmative defenses I (we) may have.

(Instructions: Each named defendant, or the defendant’s attorney, must sign and date this Answer. If multiple defendants are named and you have separate addresses or telephone numbers, please attach an additional page providing address information for each defendant. If you are signing on behalf of a named defendant, you must indicate the source of your legal authority to do so and provide both your address and the address of the named defendant.)

Signature(s) – JOSEPH & SUSAN NEAS:

(Address: Print Clearly)

(Phone Number: Print Clearly)

IMPORTANT: Within 20 days of March 10, 2014, you must EITHER accept the last Consent Order offered by the United States and the State for Subfile ZRB-3-0121 OR file an answer in this Subfile with the United States District Court for the District of New Mexico. Any right you may have to use waters of the stream system may be adjudicated by default judgment in conformity with the Consent Order proposed by the United States and the State if you fail to accept the proposed Consent Order or file an answer within 20 days of March 10, 2014. Answers may be mailed to the Clerk of Court at 333 Lomas Blvd NW, Ste.270, Albuquerque, NM 87102. A copy of the answer filed with the district court must also be sent to counsel for the United States and counsel for the State at the following addresses:

**ANDREW “GUSS” GUARINO
U.S. Department of Justice
South Terrace, Suite 370
999 Eighteenth St.
Denver, CO 80202**

**EDWARD BAGLEY
Office of the State Engineer, Legal Division
P.O. Box 25102
Santa Fe, NM 87504**